

(12/31/1995)

FEDERAL BUREAU OF INVESTIGATION**Precedence:** IMMEDIATE**Date:** 03/14/1997**To:** DIRECTOR, FBI**From:** ADIC, NEW YORK**Approved By:** Kallstrom James K**Drafted By:** Roth James J:jjr**Case ID #:** 265-NY- (Pending)**Title:** CRASH OF TWA FLIGHT 800
JULY 17, 1996**Synopsis:** To provide FBIHQ with ATF report on this matter.**Enclosures:** Enclosed is an original and one copy of a "Statement of ATF Certified Fire Investigator", I/N 63122 96 0060 Z, dated January 20, 1997.**Details:** The enclosed report was provided to ADIC Kallstrom by NY ATF SAC Ballas on 3/13/97. It contains opinions regarding the sequence in which the aircraft came apart as well as cause of the crash. By way of background, NY notes that, at the outset of the TWA investigation, ATF agreed that, since the FBI is the lead criminal investigative agency for TWA Flight 800, they would not produce any independent reports regarding the investigation.

The publication of this unsolicited, premature report violates the agreement made by ATF regarding their participation in the TWA investigation. ADIC, NY believes ATF's preparation of a report providing an opinion regarding the cause of this tragedy while knowing full well, among other things, that the investigation is continuing; that parts of the aircraft are still being recovered; that substantial parts of the side walls of the center fuel tank have not been recovered or identified and potentially significant pieces, i.e., the scavenger pump, have not been recovered; that the reconstruction of the aircraft is ongoing; and that other testing, i.e., metallurgical examinations, China Lake missile testing, is planned or ongoing is unprofessional and reprehensible. ATF has produced a report which, it is fair to say, attributes the crash to a mechanical failure before the NTSB has completed its own inquiry or issued a report. If the cause of the crash is determined to be mechanical, ATF may find itself in conflict with the analysis of NTSB, the agency charged by law with responsibility for aircraft accident investigations. In addition, if in the end the evidence indicates that the crash resulted from a criminal act, the ATF report, prepared without benefit of a complete investigation or access to all the information available, will no doubt be discoverable as Brady material.

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284

To: DIRECTOR, FBI From: ADIC, NEW YORK
Re: 265-NY-, 03/14/1997

ADIC, New York is very concerned about the preparation of this report and the basis for the opinions expressed therein. ADIC request that the FBI Laboratory immediately review this report and obtain from ATF all information, including copies of any interviews conducted by ATF, which were relied upon to produce the opinions expressed therein. ADIC, New York also strongly recommends that the Director express to the highest levels of the ATF, the FBI's displeasure over this extraordinary breach of investigative protocol.

New York will provide copies to NTSB and the USA, EDNY, directly.

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